

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4768 of 2019**

Firoj Khan, S/o late Rashid Khan, aged about 50 years, R/o Rajbandha Maidan, Behind Navbharat Press, Moudahapara, Raipur, District Raipur (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Police Station Moudahapara, Raipur, District Raipur (CG).

---- Non-applicant

For Applicant : Mr. Pushpendra Kumar Patel, Advocate
 For Non-applicant : Mr. Suyash Dharmadhikari, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****08.08.2019**

1. This is second bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other Court.
2. The applicant has been arrested in connection with Crime No.93/2019 registered in Police Station Moudahapara, Raipur, District Raipur for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
3. The first bail application of the applicant was dismissed as withdrawn by this Court vide order dated 17.05.2019 passed in M.Cr.C. No.3410/2019.
4. Prosecution story in brief is that on 09.04.2019, 9.360 bulk liters foreign liquor has been seized from the possession of applicant.
5. Counsel for the applicant submits that the applicant has not committed any offence and has been falsely implicated in the case. He further submits that seizure witnesses have been examined before the trial Court, they turned hostile and did not support the prosecution case and as such the applicant may be released on bail.
6. On the other hand, counsel for the State opposes the bail application and submits that previously 26 criminal cases, out of which, 03 under IPC, 01 under Excise Act, 02 under Arms Act, 17 under CrPC and 03 under Gambling Act have already been registered against the

applicant

7. Mere turning hostile of seizure witnesses itself is not a sufficient ground to enlarge the applicant on bail. In the case in hand, Investigating Officer has to be examined.

8. Looking to the above mentioned facts and circumstances of the case, looking to this fact that 26 criminal cases have already been registered against the applicant, looking to the seriousness of the offence and looking to the impact of granting bail to the applicant on society, this Court is not inclined to give benefit of Section 439 of the Cr.P.C. to the applicant. Consequently, the second bail application is rejected. However, the trial Court is directed to expedite the trial and dispose of case as soon as possible from the date of receipt of certified copy of this order.

9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-